

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TARZ MITCHELL,

Plaintiff,

v.

GREG COX, et al.,

Defendants.

Case No. 2:12-cv-00499-MMD-NJK

ORDER

This prisoner civil rights action comes before the Court for initial review of plaintiff's amended complaint (dkt. no. 37).

The Court stated in the first screening order herein:

Plaintiff should note the following in filing an amended complaint. Although this action originally was filed in state court, the action now is governed by federal rules of procedure following removal. Under Local Rule LSR 2-1, plaintiff must file the amended complaint on the Court's required complaint form, and he must comply with all instructions for the complaint form. In particular, the specific allegations of actual fact supporting each count in the complaint must be stated within each count. *Instructions*, at 6. In the original complaint filed in state court, plaintiff presented several pages of specific factual allegations in the "Nature of the Case" section and then made more general allegations within the counts themselves. Plaintiff may incorporate allegations from a prior count in a later count by reference, but he otherwise must allege all of the supporting facts applicable to each count within the count.[FN1]

[FN] In the "Nature of the Case" portion of the form, plaintiff should give only a brief general overview of the factual basis for the action. Under the instructions, "[t]his is not the place to provide detailed information about what each defendant did to violate your rights – that should be done in" the counts. *Instructions*, at 6.

1 The Court thereafter stated in the second screening order:

2 [A]s stated in the prior screening order, plaintiff may not use the "Nature of
3 the Case" section of the complaint form to make extensive factual
4 allegations. See dkt. no. 13, at 5 & n.1. The stricken amended complaint
5 sets forth thirteen (13) paragraphs of specific factual allegations spanning
6 four pages in the "Nature of the Case" section. Plaintiff must allege his
7 factual allegations within the counts themselves, and he may provide only
8 a brief overview in the "Nature of the Case." The matter will proceed
9 forward only after plaintiff complies with the Court's directives.

10 Dkt. no. 36, at 4-5.

11 Plaintiff once again has filed an amended complaint setting forth thirteen (13)
12 paragraphs of specific factual allegations spanning four pages in the "Nature of the
13 Case" portion of the complaint.

14 Plaintiff has ignored two clear orders by this Court. If plaintiff does so one more
15 time, the noncompliant pleading also will be stricken and the case will be dismissed
16 without prejudice for failure to comply with the local rules and orders of this Court.

17 IT IS THEREFORE ORDERED that the amended complaint (dkt. no. 37) shall be
18 STRICKEN.

19 IT IS FURTHER ORDERED that this action will be dismissed without further
20 advance notice if plaintiff does not file a compliant pleading within thirty (30) days of
21 entry of this order. All prior orders entered herein regarding an amended complaint
22 remain in effect.

23 DATED THIS 9th day of July 2013.

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25 _____
26 MIRANDA M. DU
27 UNITED STATES DISTRICT JUDGE
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